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	Application No.	Applicant(s)
Notice of Allowability	10/828,296	YI, HUNG MENG
	Examiner	Art Unit
	W Potty Chan	2871
	W. Patty Chen	2871
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. X This communication is responsive to <u>amendment filed on 6/13/07</u> .		
2. The allowed claim(s) is/are <u>1-6,8-13,15-19 and 21</u> .		
 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 		
2. Certified copies of the priority documents have been received in Application No		
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		
4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached		
1) 🗌 hereto or 2) 🗋 to Paper No./Mail Date		
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
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Attachment(s) 1. Notice of References Cited (PTO-892)	5. ☐ Notice of Informal P	atent Application
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary	
3. ☐ Information Disclosure Statements (PTO/SB/08),	Paper No./Mail Daí 7. ☐ Examiner's Amendr	e
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit		;
of Biological Material	•	ent of Reasons for Allowance
	9. 🗌 Other	

DETAILED ACTION

Response to Amendment

Applicant's Amendment filed on Jun. 13, 2007 has been entered. Claims 7, 14 and 20 are cancelled per the Amendment filed, therefore, claims 1-6, 8-13, 15-19 and 21 remain pending in the current application.

Election/Restrictions

Claims 1, 8 and 15 are allowable. The restriction requirement between species, as set forth in the Office action mailed on 6/22/06, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.

Claims 3, 5, 9, 12, 17 and 19, directed to non-elected species are no longer withdrawn from consideration because the claims require all the limitations of the allowable independent claims of 1, 8 and 15.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

Claims 1-6, 8-13, 15-19 and 21 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8 and 15 (Amended): Although the closest prior art Yoshino (JP2001-013485) discloses using color elements as alignment marks, however, none of the prior arts either alone or in combination fairly teach or suggest that the alignment mark is a checkerboard mark wherein the first-square mark has a first color base and the second-square mark has a second color base.

Therefore, claims 1, 8 and 15 are deemed non-obvious and inventive over the prior arts, therefore, are allowed.

As to claims 2-6, 9-13, 16-19 and 21: Since claims 2-6, 9-13, 16-19 and 21 depend either directly or indirectly on the allowed claims 1, 8 and 15, hence are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to W. Patty Chen whose telephone number is (571)272-8444. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. Patty Chen Examiner Art Unit 2871

WPC 8/23/07

> ALLILLA ANDREW SCHECHTER PRIMARY EXAMINER